

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STATE OF WASHINGTON,

Plaintiff,

v.

LANDMARK TECHNOLOGY A, LLC,

Defendant.

NO. 2:21-cv-00728-RSM

STIPULATED MOTION AND  
ORDER SETTING MOTION  
BRIEFING SCHEDULE AND  
ANSWER DEADLINE

NOTED ON MOTION CALENDAR:  
FEBRUARY 2, 2022

**STIPULATION**

Plaintiff State of Washington (“State”) and Defendant Landmark Technology A, LLC (“Landmark”), through their counsel of record, respectfully submit this Stipulated Motion. The parties stipulate and jointly request that the Court enter a briefing schedule for Landmark to file its motion to dismiss as set forth in the attached proposed order. Good cause supports this Motion.

On May 13, 2021, the State filed its complaint against Landmark in King County Superior Court (Action). Dkt. No. 1, Ex. A. On June 2, 2021, Landmark removed the Action to this Court. Dkt. No. 1. On June 10, 2021, the State filed a motion seeking to remand the Action back to King County Superior Court. Dkt. No. 5. On June 18, 2021, the parties filed a Stipulated Motion to Stay Proceedings Pending Motion to Remand, Dkt. No. 6, and the Court issued an Order to Stay Proceedings Pending Motion to Remand, Dkt. No. 7.

1 The State is filing contemporaneously with this Stipulated Motion a Notice to Withdraw  
 2 Pending Motion to Remand pursuant to Local Rule 7(l). The parties conferred regarding  
 3 Landmark's response to the State's Complaint and Landmark intends to file a motion to dismiss for  
 4 failure to state a claim upon which relief can be granted. The parties agree and stipulate that  
 5 Landmark's opening brief and any supporting materials shall be filed not later than March 4, 2022.  
 6 The State's opposition brief and any supporting materials shall be filed on March 25, 2022.  
 7 Landmark's reply and any supporting materials shall be filed by April 8, 2022. Landmark's motion  
 8 to dismiss shall be noted for April 8, 2022. Good cause exists for this briefing schedule as it allows  
 9 counsel for both parties to avoid conflicts with other commitments.

10 The parties further agree and stipulate that Landmark will file its answer, if necessary, no  
 11 later than 21 days after the Court issues its ruling on Landmark's motion to dismiss.

12  
 13 DATED this 2nd day of February, 2022.

14  
 15 ROBERT W. FERGUSON  
 16 Attorney General

NEWMAN DU WORS LLP

17  
 18 s/ Aaron J. Fickes  
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s/ Derek A. Newman  
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*Attorneys for Defendant*  
*Landmark Technology A, LLC*

**ORDER**

This matter comes before the Court on the parties' Stipulated Motion Setting Motion Briefing Schedule and Answer Deadline (Stipulated Motion). After considering the parties' Stipulated Motion, the Court finds good cause and orders that:

1. Landmark shall file its motion to dismiss and any supporting material not later than March 4, 2022. The State's opposition and any supporting materials shall be filed on or before March 25, 2022. Landmark's reply and any supporting materials shall be filed by April 8, 2022.

2. Landmark shall file its answer, if necessary 21 days after the Court issues its ruling on Landmark's motion to dismiss.

IT IS SO ORDERED.

DATED this 7<sup>th</sup> day of February, 2022.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I certify that I caused a copy of the foregoing to be served on the following parties via the following methods:

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☐ Legal Messenger  
☐ First-Class Mail, Postage Prepaid  
☐ Certified Mail, Receipt Requested  
☐ Facsimile  
☒ Email  
☒ E-Service

***Attys. for Defendant Landmark  
Technology A, LLC***

I certify, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

DATED this 2nd day of February, 2022, at Seattle, Washington.

s/ Aaron J. Fickes

AARON J. FICKES, WSBA #51584  
Assistant Attorney General